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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,993	06/14/2000	Roy Shkedi	JMB-2-0005	8221

24271 7590 06/09/2004

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,993

Applicant(s)

SHKEDI, ROY

Examiner

Jonathan Ouellette

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 1/21/2004 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/593,993 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 6,055,513) in view of Goldhaber (US 5,855,008).
4. As per independent Claims 1, and 11-13, Katz discloses a descriptive-profile mercantile method (computer program product, program storage device, computer system), for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of: a) from a user, electronically receiving a transaction having therein a first partial profile (C28 L11-14); b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles (C28 L11-14), wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate

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second partial profile to the first partial profile (inherent); i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile (C28 L17-28); or ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile (C28 L17-28).

5. Katz fails to expressly disclose electronically contracting a royalty payment between the user and the databank.

6. However, Goldhaber discloses the registering (contracting) of users by a third party, to include profile and contact information (C12 L15-45), and providing compensation to users who agree to sell their information to individual marketers (abstract, C7 L1-10, C8 L59-61) - and it would have been obvious to pay the third party (databank) for the information, wherein the third party distributes a percentage of the fee to the profile owner, as licensing/royalty agreements were a well known way of paying for information when the invention was made.

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included electronically contracting a royalty payment between the user and the databank, as disclosed by Goldhaber in the system disclosed by Katz, for the advantage of providing a descriptive-profile mercantile method with the ability to increase system effectiveness by offering several possible types of financial arrangements between the user and the databank.

8. As per Claim 2, Katz discloses wherein electronically receiving a transaction includes extracting at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the electronic searching of the databank (C26 L13-17).
9. As per Claim 3, Katz discloses wherein extracting includes constructing at least one composite key for the electronic searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile (C17 L48-60).
10. As per Claim 4, Katz discloses wherein electronically contracting includes selecting a pricing structure according to a rating of the user (C13 L41-46).
11. As per Claim 5, Katz discloses wherein electronically contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion (C2 L41-49).
12. As per Claim 6, Katz discloses wherein incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile (C9 L23-27).
13. As per Claim 7, Katz discloses wherein incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank (C9 L57-62).
14. As per Claim 8, Katz discloses wherein electronically contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

15. As per Claim 9, Katz discloses wherein electronically receiving a transaction includes consulting an external database (C9 L57-62).
16. As per Claim 10, Katz discloses i) electronically searching at least one external database for a partial profile or portion thereof which complements a at least one second partial profile of the databank, and ii) between the database and the databank, electronically contracting for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile (C9 L57-62).

Response to Arguments

17. Applicant's arguments filed 1/21/2004, regarding Claims 1-13, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

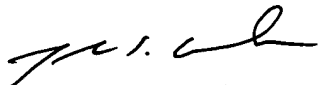
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for

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the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

jo
June 1, 2004


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600